

IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

SCOTT H. LICHT,

Plaintiff,

v.

GEORGIA PACIFIC GYPSUM, LLC,

Defendant.

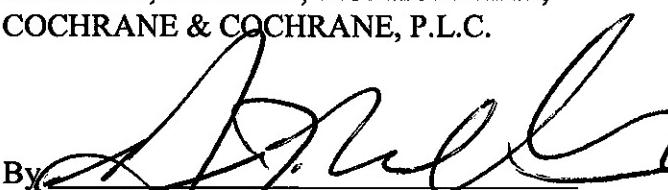
No.

JURY DEMAND

COMES NOW the Plaintiff, Scott H. Licht, and hereby demands a jury trial on all issues herein.

JOHNSON, KRAMER, MULHOLLAND,
COCHRANE & COCHRANE, P.L.C.

By


Neven J. Mulholland (AT0005599)
809 Central Avenue, Suite 600
Fort Dodge, IA 50501
Telephone: (515) 573-2181
Facsimile: (515) 573-2548
Neven.Mulholland@JohnsonLawIA.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT

A

IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

SCOTT H. LICHT,

Plaintiff,

v.

GEORGIA PACIFIC GYPSUM, LLC,

Defendant.

No.

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT:

You are notified that a petition has been filed in the office of the clerk of this court naming you as a Defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorney for the Plaintiff is Neven J. Mulholland, 809 Central Avenue, Suite 600, Fort Dodge, Iowa 50501. That attorney's phone number is 515-573-2181; facsimile number 515-573-2548.

THIS CASE HAS BEEN FILED IN A COUNTY THAT UTILIZES ELECTRONIC FILING. Therefore, unless the attached signature page contains a hearing date for your appearance, or unless you obtain an exemption from eFiling from the court, you must file your Appearance and Answer electronically. You must register to eFile through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court. FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM, also available on the Iowa Judicial Branch website. FOR COURT RULES ON THE PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16.

UNLESS YOU APPEAR by completing and filing an Appearance and Answer using the Iowa Judicial Branch Electronic Filing Interface at <https://www.iowacourts.state.ia.us/Efile> within 20 days after service of this original notice upon you, judgment will be entered against you upon plaintiff's claim together with interest and court costs. IF YOU DENY THE CLAIM AND APPEAR by filing an Appearance and Answer using the Iowa Judicial Branch Electronic Filing Interface within 20 days after service of this original notice upon you, you will then receive electronic notification through the Iowa Electronic Document Management System of the place and time assigned for hearing.

STATE OF IOWA JUDICIARY

Case No. LACV320425

County Webster

Case Title SCOTT H. LICHT V. GEORGIA PACIFIC GYPSUM, LLC

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
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Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at **(641) 421-0990** . (If you are hearing impaired, call Relay Iowa TTY at **1-800-735-2942**.)

Date Issued 12/31/2018 01:51:41 PM



District Clerk of Webster

County

/s/ Sue Minikis

IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

SCOTT H. LICHT, Plaintiff, v. GEORGIA PACIFIC GYPSUM, LLC, Defendant.	No. PETITION AT LAW
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COMES NOW the Plaintiff, Scott H. Licht, and for his Petition At Law states as follows:

1. The Plaintiff, Scott H. Licht, is an individual with his principle place of residence in Fort Dodge, Webster County, Iowa.
2. The Defendant, Georgia Pacific Gypsum, LLC, is a foreign limited liability company with a place of business in Fort Dodge, Webster County, Iowa.
3. The Defendant, Georgia Pacific Gypsum, LLC, owns and operates a manufacturing plant at 2374 Mill Road, Fort Dodge, Webster County, Iowa, that produces building products including drywall.
4. On August 7, 2018, the Plaintiff, Scott H. Licht, was employed with Keim Trucking as a hostler, tarping trucks on the Defendant's premises.
5. On August 7, 2018, the Plaintiff, Scott H. Licht, was on Defendant's premises at Defendant's request and invitation and was walking across the dock/loading area when Plaintiff stepped on a metal plate which was being used to cover a manhole and the plate flipped up causing the Plaintiff to fall into the manhole.
6. At all times material hereto, the Defendant maintained control over the dock/loading area and was solely responsible for its care and maintenance.

7. At said time and place, it was the duty of the Defendant to exercise reasonable care to maintain the dock/loading area in a reasonably safe condition for the benefit of those individuals working on the premises, including the Plaintiff, Scott H. Licht, who came onto the premises by invitation from the Defendant.

8. The Defendant knew the manhole cover had been removed and a metal plate had been substituted to cover the manhole creating a dangerous condition. The Defendant was negligent in one or more of the following particulars:

- a. In failing to cover the manhole with a manhole cover designed to effectively and safely cover the manhole;
- b. In failing to warn the Plaintiff, Scott H. Licht, of the danger created by placing a metal plate over the manhole; and
- c. In failing to act as a reasonable person under the conditions then and there existing.

9. The aforesaid negligence was the proximate cause of the injuries and damages suffered by the Plaintiff, Scott H. Licht.

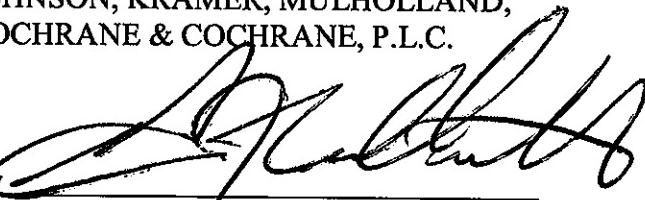
10. The Plaintiff, Scott H. Licht, has been damaged in the following particulars, to wit:

- a. Past and future medical expenses;
- b. Past and future loss or impairment of full mind and body;
- c. Past and future physical/mental pain and suffering;
- d. Past and future loss of income; and
- e. Impairment of earning capacity.

11. The Plaintiff, Scott H. Licht, has been damaged for the reasons as set out above and, as a result thereof, is entitled to fair and reasonable compensation in excess of the jurisdictional amount for Small Claims Court.

WHEREFORE, Plaintiff, Scott H. Licht, prays for judgment against the Defendant, Georgia Pacific, and for fair and reasonable compensation together with interest as provided by law and the costs of this action.

JOHNSON, KRAMER, MULHOLLAND,
COCHRANE & COCHRANE, P.L.C.

By 

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ATTORNEYS FOR PLAINTIFF

IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

CASE NO.: LACV320425

AFFIDAVIT OF SERVICE

SCOTT H LICHT

Plaintiff/Petitioner,
vs.

GEORGIA PACIFIC GYPSUM, LLC

Defendant/Respondent.

Received by **Absolute Serving** on **01/04/2019** to be served upon:

GEORGIA PACIFIC GYPSUM, LLC

STATE OF IOWA
COUNTY OF POLK ss.

I, **Julia McMahon**, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On **01/04/2019** at **09:25 AM**, I served the within **ORIGINAL NOTICE; PETITION AT LAW WITH JURY DEMAND** on **GEORGIA PACIFIC GYPSUM, LLC** at **400 E COURT AVE, STE 110, Des Moines, IA 50309** in the manner indicated below:

CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

NAME: LAURA GRAHAM @ CT CORPORATION SYSTEM TITLE/RELATION: REGISTERED AGENT

Description of person served:

Sex: Female – Age: 50+ – Skin: White – Hair: Red – Height: 5'4 – Weight: 180

Fee For Service: **\$40.00**

Sworn to and subscribed before me on this
4th day of January, 2019
by an affiant who is personally known to
me or produced identification.

Sandra K. Roberts
NOTARY PUBLIC



SANDRA K ROBERTS
Commission Number 733947
My Commission Expires
4/12/2020

X _____
Julia McMahon
Independent Contractor for:

Absolute Serving
680 18th Street
Des Moines, IA 50314

Atty File#: **LACV320425** – Our File# **26329**